

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BIRMINGHAM-JEFFERSON COUNTY)	
TRANSIT AUTHORITY AND)	
AMALGAMATED TRANSIT UNION LOCAL)	
725 EMPLOYEES' CONTRIBUTORY)	
RETIREMENT PLAN, et al.,)	
)	
Plaintiffs,)	Case No. 3:09-0304
)	Judge Campbell/Bryant
v.)	
)	
DAVID J. BOATRIGHT,)	
)	
Defendant.)	

O R D E R

Defendant Boatright has filed his motion to compel discovery (Docket Entry No. 119), by which he seeks an order requiring plaintiffs to respond to four sets of requests for admissions, two sets of requests for production of documents and two "consolidated" discovery requests.

Plaintiffs have responded in opposition (Docket Entry No. 123), and have made several arguments. First, plaintiffs state that defendant's motion should be denied due to his noncompliance with Local Rule 37.01(a) and 37.01(b)(3), which require defendant to confer with adversary counsel in an attempt to resolve discovery issues before filing a motion, and to file a joint written statement of disputed issues raised in the motion. Defendant failed to do either. In addition, plaintiffs state that at the time defendant served his earlier written discovery the deadline for discovery had expired and that defendant failed to re-serve

these requests once the discovery deadline was extended. In addition, plaintiffs state that the time for responding to the later written discovery had not expired at the time defendant filed his motion. For all of these reasons, plaintiffs urge the Court to deny defendant's motion to compel.

While it is true that defendant apparently has failed to comply with Local Rule 37.01, the undersigned Magistrate Judge is mindful that (1) defendant Boatright is currently proceeding pro se and (2) the Chief Judge has set this case for a bench trial beginning July 27, 2010. Given these considerations and the need to move this case toward resolution, the undersigned Magistrate Judge **GRANTS** defendant Boatright's motion to compel, and directs plaintiffs to serve their responses to the foregoing written discovery on or before **April 20, 2010**.

It is so **ORDERED**.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge